

MINUTES OF THE SPECIAL MEETING OF THE CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, HELD AUGUST 11, 2009, AT 4:00 P.M., AT THE CITY COUNCIL CHAMBERS BUILDING, 826 NORTH MAIN STREET, COTTONWOOD, ARIZONA.

CALL TO ORDER AND ROLL CALL

Mayor Joens called the special meeting to order at 4 p.m. Roll call was taken as follows:

COUNCIL MEMBERS PRESENT

Diane Joens, Mayor
Karen Pfeifer, Vice Mayor
Tim Elinski, Council Member
Duane Kirby, Council Member
Linda Norman, Council Member
Terence Pratt, Council Member
Darold Smith, Council Member

STAFF MEMBERS PRESENT

Doug Bartosh, City Manager
Bob Hardy, Natural Resources Director
David Brown, City Attorney

Marianne Jiménez, City Clerk
Tim Costello, City Engineer

DISCUSSION OF ISSUES RELATED TO A POTENTIAL EXPANSION OF A WATER SERVICE AREA AND A POSSIBLE CONTRACT OR POTENTIAL LITIGATION REGARDING ACQUISITION OF PROPERTY RELATED TO THE WATER SERVICE AREA

DISCUSSION AND UPDATE OF ONGOING LITIGATION AND SETTLEMENT NEGOTIATIONS IN THE GILA RIVER ADJUDICATION

Upon a public majority vote of the members constituting a quorum, the Council may hold an executive session with regard to either item III or IV which is not open to the public for the following purposes: A.R.S. § 38-431.03(A)(3)–*Discussion or consultation for legal advice with the attorney or attorneys of the public body*; A.R.S. § 38-431.03(A)(4)–*Discussion or consultation with the attorney of the public body in order to consider its position and instruct its attorney regarding the public body's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation.*

Mr. Bartosh stated these two items required legal advice and it was his recommendation that the Council convene into executive session to receive advice and updates from our legal representative.

Mayor Joens moved to resolve into executive session to discuss items three and four on the special meeting agenda. The motion was seconded by Council Member Kirby, and carried

unanimously.

Concluding the executive session, Council Member Kirby moved to resolve back into regular session. The motion was seconded by Council Member Smith and unanimously.

POTENTIAL APPROVAL OF A SALES CONTRACT FOR THE PURCHASE OF A FACILITY TO HOUSE THE MUNICIPAL COURT OPERATIONS

Mr. Bartosh stated at the Council's direction, negotiations had been conducted for the purchase of the Carpet One building to house the court. The price agreed upon was \$550,000 which fell within the price range given by the Council. The final details of the purchase agreement were still being worked on. Staff was asking the Council for approval on this price and authorization for the Mayor to sign the purchase agreement.

Mayor Joens asked if the agreement should be reviewed by our attorneys.

Mr. Bartosh stated they were the ones who wrote it and who wanted to make some changes.

Council Member Kirby asked if a price had been determined for the necessary alterations.

Mr. Bartosh stated, not at this time. A broad estimate would be \$300,000 which represented the amount budgeted. No professional estimates had yet been obtained.

Council Member Kirby moved to approve the purchase of the Capital (Carpet) One building, located at 665 East Mingus Avenue, for a sales price of \$550,000, and authorize the Mayor to fully execute the sales contract. The motion was seconded by Council Member Elinski.

Mayor Joens asked for comments from the public. There were no comments from the public.

Mr. Bartosh stated this was a great opportunity for the City and was an excellent price for the building we were getting. It would solve a problem we had with the current building and set us up pretty good for the future. It was a good time to take advantage of this.

Mayor Joens stated at a previous Council meeting there had been discussion regarding the beneficial location which was close to other municipal facilities and the county justice court. The current economic climate was the time to make such purchases, when property values were low.

A vote was then taken on the motion, which carried unanimously.

APPROVAL OF GRANT DOCUMENTS FOR A FEDERAL AVIATION ADMINISTRATION GRANT FOR AN APRON PAVEMENT MAINTENANCE PROJECT AT THE COTTONWOOD AIRPORT

Mr. Costello stated this was a pavement maintenance grant application with the Federal

Aviation Administration (FAA). The project involved putting a slurry seal across the apron or aircraft parking area, and covered about eleven acres. It also included covering the crossing taxi ways. The grant had been submitted to the FAA and we were awaiting their final response. He had been told by the FAA that when they responded to him, his confirmation would have to be made before August 13th. Staff requested the Council to approve the Mayor executing this grant when it arrived. The restrictions imposed were the standard ones that had always been imposed on projects related to FAA grants. This project was the top priority of the Airport Commission.

Mayor Joens stated our contribution to the project would be about \$11,000 while the FAA would contribute about \$500,000.

Council Member Pratt stated his support for the proposal.

Mayor Joens asked for comments from the public. There were no comments from the public.

Council Member Elinski moved to allow the Mayor to sign and approve the grant for the apron pavement maintenance projects. Council Member Pratt seconded the motion, which carried unanimously.

ADJOURNMENT

Mayor Joens moved to adjourn from the special meeting. Council Member Norman seconded the motion, which carried unanimously. The special meeting concluded at 4:50 p.m.

Diane Joens, Mayor

Marianne Jiménez, City Clerk

CERTIFICATION OF MINUTES

I hereby certify that the attached is a true and correct copy of the minutes of a special meeting of the City Council of the City of Cottonwood held on August 11, 2009. I further certify that the meeting was duly called, and that a quorum was present.

Marianne Jiménez, City Clerk

Date